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December 4, 2014

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Daniel E. O'Toole
Circuit Executive & Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20005

Re: *Warsaw Orthopedic, Inc., et al. v. NuVasive, Inc.*, Nos. 2013-1576, -1577:
Letter Pursuant to Fed. R. App. P. 28(j) (Oral Argument Heard December
1, 2014 before Judges Lourie, Dyk, and Reyna)

Dear Mr. O'Toole:

At argument, the Court asked "was there evidence that the rods and screws were used on other implants, other than the patented implants?" *See* Argument at 21:30-21:36. There was.

The record shows that the rods and screws included in Warsaw's damages calculations are used with implants other than the patented implants. Warsaw's expert calculated damages by assuming some of NuVasive's XLIF procedures would be replaced with Medtronic's DLIF (which use the patented Capstone-L or Clydesdale implants) or with Medtronic's ALIF, PLIF, or TLIF procedures (which do not). (A10997-98; A10615; A10907.) The exhibits to Warsaw's expert's report identified the products he said were used in an ALIF, PLIF, or TLIF. *See Warsaw Orthopedic, Inc. v. NuVasive, Inc.*, Case No. 08-cv-01512 (S.D. Cal.) (Docket No. 313-12, Ex. K at 99-101 (exhibit to NuVasive's motion *in limine* on damages)). He also identified all products he said were used in a DLIF with one of the patented implants. (*Id.* at 102-03.) Those lists are attached.

Comparing the lists shows that the rods and screws used in a DLIF have also been used in an ALIF, PLIF, and/or TLIF with non-patented implants. The same types of rods and screws included in one or both of the DLIF lists—*e.g.*, the

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"Cannulated Legacy Screws," "CD Horizon Legacy 5.5," "CD Horizon Legacy 6.35," "CD Horizon Legacy Anterior," "CD Horizon M8," "CD Horizon Solera," "CDHL HA Coated Screws," "Central Rod Spinal System," "Engage 6.35," "Legacy Iliac," "Low Profile Crosslink System," "PEEK Rod," "Percutaneous PEEK," "Pyramid Plating System," "Rod Connection System," "Sextant," "Silo Spinal System," "Spire," "Three D Connector," "TSRH 3DX," "TSRH Spinal System," "UCSS," "Vantage," and "X10 Crosslink"—also appear in at least one of the ALIF, TLIF, and PLIF lists. (*Id.* at 99-103.) Moreover, the ALIF, TLIF, and PLIF lists confirm that neither patented implant was used with those procedures. (*Id.* at 99-101.) Despite having the burden on damages, Warsaw introduced no evidence the rods and screws worked only with the patented implants. Thus, as the record shows, the screws and rods are used with implants other than the patented implants.

Best regards,

/s/ Deanne E. Maynard

Deanne E. Maynard

FILED UNDER SEAL

REDACTED IN FULL

Pages 99 to 101 of Exhibit K were made confidential pursuant to the protective order and have been redacted in full from the non-confidential version of this letter. These materials include confidential business information from documents filed in the district court.

Exhibit A-4
Products Included in the Capstone L Construct

Brand	Type	Material	Item Category	Overall Category	Items per Order
CANNULATED LEGACY SCREWS	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.46366782
CANNULATED LEGACY SCREWS	IMPLANT	TITANIUM	SET SCREW	Fixation	0.42214533
CAPSTONE L VBS	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	1.5190311
CAPSTONE PEEK VERT BODY SPACER	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.02422145
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.00692042
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	HOOK	Other Instruments	0.00692042
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.88927336
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	ROD	Fixation	0.28719723
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	SET SCREW	Fixation	1.0380623
CD HORIZON LEGACY 6.35	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.00692042
CD HORIZON LEGACY 6.35	IMPLANT	TITANIUM	ROD	Fixation	0.00692042
CD HORIZON LEGACY 6.35	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00692042
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.01730104
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	OTHER	Other Instruments	0.01730104
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	SET SCREW	Fixation	0.01730104
CD HORIZON M8	IMPLANT	TITANIUM	OTHER	Other Instruments	0.03460208
CDHL HA COATED SCREWS	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.01384083
CDHL HA COATED SCREWS	IMPLANT	TITANIUM	VARIABLE ANGLE SCREW	Fixation	0.01384083
CENTRAL ROD SPINAL SYSTEM	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.82352941
CLYDESDALE VBS	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.34948097
CRESCENT VB SPACER	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.00346021
DIRECT LATERAL INS	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.78546713
ENGAGE 6.35	IMPLANT	TITANIUM	BOLT/POST	Fixation	0.07266436
ENGAGE 6.35	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.09342561
FACET SCREWS	IMPLANT	TITANIUM	OTHER SCREW	Fixation	0.03114187
LEGACY ILIAC	IMPLANT	TITANIUM	CONNECTOR	Fixation	0.00346021
LEGACY ILIAC	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.00346021
LEGACY ILIAC	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00692042
LONGITUDE	IMPLANT	TITANIUM	ROD	Fixation	0.02422145
LONGITUDE	IMPLANT	TITANIUM	ROD	Fixation	0.02422145
LOW PROFILE CROSSLINK SYSTEM	IMPLANT	TITANIUM	CROSSLINK	Fixation	0.00692042
MAST QUADRANT	DISPOSABLE	OTHER	OTHER	Other Instruments	0.67474048
METRX DISPOSABLES	DISPOSABLE	OTHER	OTHER	Other Instruments	0.01384083
METRX DISPOSABLES	DISPOSABLE	STAINLESS STEEL	OTHER	Other Instruments	0.29411765
METRX II SYSTEM	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.01730104
PAK NEEDLE	DISPOSABLE	OTHER	OTHER	Other Instruments	0.08304498
PEEK ROD	IMPLANT	PEEK	ROD	Fixation	0.01384083
PEEK ROD	IMPLANT	TITANIUM	SET SCREW	Fixation	0.0449827
PEEK VERTE-STACK	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.01038062
PERCUTANEOUS PEEK	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.03460208
PERIMETER	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.00346021
PYRAMID PLATING SYSTEM	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.01384083
PYRAMID PLATING SYSTEM	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.00692042
SCEPTOR	DISPOSABLE	STAINLESS STEEL	OTHER	Other Instruments	0.00346021
SEXTANT	DISPOSABLE	STAINLESS STEEL	OTHER	Other Instruments	0.49480969
SEXTANT	IMPLANT	TITANIUM COMMERCIAL PURE	ROD	Fixation	0.10034602
SMA STAPLE	IMPLANT	NTINOL SHAPE MEMORY	OTHER	Other Instruments	0.01384083
SPIRE	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.02076125
SPIRE	IMPLANT	TITANIUM	SET SCREW	Fixation	0.01384083
THREADED INSTRUMENTS	INSTRUMENT	OTHER	OTHER	Other Instruments	0.00346021
UCSS	DISPOSABLE	STAINLESS STEEL	DRILL BIT	Other Instruments	0.00346021
UCSS	IMPLANT	TITANIUM	OTHER SCREW	Fixation	0.00346021
VANTAGE	IMPLANT	TITANIUM	BOLT/POST	Fixation	0.02768166
VANTAGE	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.01038062
VANTAGE	IMPLANT	TITANIUM	SET SCREW	Fixation	0.02422145
VANTAGE	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.00346021
X10 CROSSLINK	IMPLANT	TITANIUM	CROSSLINK	Fixation	0.00692042
XVBR	IMPLANT	TITANIUM	OTHER	Other Instruments	0.01730104

Exhibit A-5
Products Included in the Clydesdale Construct

Brand	Type	Material	Item Category	Overall Category	Items per Order
BOOMERANG II	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.0002767
CANNULATED LEGACY SCREWS	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.06712784
CANNULATED LEGACY SCREWS	IMPLANT	TITANIUM	SET SCREW	Fixation	0.64997233
CAPSTONE L VBS	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.02213614
CAPSTONE PEEK VERT BODY SPACER	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.02324294
CD HORIZON LEGACY 5.5	DISPOSABLE	OTHER	OTHER	Other Instruments	0.00057775
CD HORIZON LEGACY 5.5	IMPLANT	STAINLESS STEEL	MULTI-AXIAL SCREW	Fixation	0.00636414
CD HORIZON LEGACY 5.5	IMPLANT	STAINLESS STEEL	ROD	Fixation	0.00083011
CD HORIZON LEGACY 5.5	IMPLANT	STAINLESS STEEL	SET SCREW	Fixation	0.00774765
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.0005534
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	HOOK	Other Instruments	0.00110681
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.29745434
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	ROD	Fixation	0.09490869
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	SET SCREW	Fixation	0.37244051
CD HORIZON LEGACY 5.5	IMPLANT	TITANIUM	VARIABLE ANGLE SCREW	Fixation	0.00166021
CD HORIZON LEGACY 6.35	IMPLANT	STAINLESS STEEL	FIXED ANGLE SCREW	Fixation	0.00110681
CD HORIZON LEGACY 6.35	IMPLANT	STAINLESS STEEL	HOOK	Other Instruments	0.0005534
CD HORIZON LEGACY 6.35	IMPLANT	STAINLESS STEEL	MULTI-AXIAL SCREW	Fixation	0.00996126
CD HORIZON LEGACY 6.35	IMPLANT	STAINLESS STEEL	ROD	Fixation	0.00083011
CD HORIZON LEGACY 6.35	IMPLANT	STAINLESS STEEL	SET SCREW	Fixation	0.01106807
CD HORIZON LEGACY 6.35	IMPLANT	TITANIUM	CAGE/SPACER	Interbody Devices	0.00166021
CD HORIZON LEGACY 6.35	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.02517986
CD HORIZON LEGACY 6.35	IMPLANT	TITANIUM	ROD	Fixation	0.00332042
CD HORIZON LEGACY 6.35	IMPLANT	TITANIUM	SET SCREW	Fixation	0.02877698
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	CROSSLINK	Fixation	0.0002767
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.01881572
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	OTHER	Other Instruments	0.01217488
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	ROD	Fixation	0.00470393
CD HORIZON LEGACY ANTERIOR	IMPLANT	TITANIUM	SET SCREW	Fixation	0.02130603
CD HORIZON M8	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.0005534
CD HORIZON M8	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.00166021
CD HORIZON M8	IMPLANT	TITANIUM	OTHER	Other Instruments	0.00249032
CD HORIZON M8	IMPLANT	TITANIUM	ROD	Fixation	0.00083011
CD HORIZON M8	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00110681
CD HORIZON SOLERA - 4.75 ROD DIAMETER	IMPLANT	COBALT CHROME	MULTI-AXIAL SCREW	Fixation	0.00110681
CD HORIZON SOLERA - 4.75 ROD DIAMETER	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00110681
CDHL HA COATED SCREWS	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.01438849
CDHL HA COATED SCREWS	IMPLANT	TITANIUM	VARIABLE ANGLE SCREW	Fixation	0.02656336
CENTRAL ROD SPINAL SYSTEM	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.019596835
CLYDESDALE VBS	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	1.5597676
CRISCENT VB SPACER	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.00525733
DIRECT LATERAL INS	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.49750968
ENGAGE 6.35	IMPLANT	SILICONE	CAGE/SPACER	Interbody Devices	0.0005534
ENGAGE 6.35	IMPLANT	SILICONE	PLATE SYSTEM	Fixation	0.00110681
ENGAGE 6.35	IMPLANT	STAINLESS STEEL	SET SCREW	Fixation	0.00110681
ENGAGE 6.35	IMPLANT	TITANIUM	BOLTPOST	Fixation	0.10348644
ENGAGE 6.35	IMPLANT	TITANIUM	OTHER HARDWARE	Interbody Devices	0.0002767
ENGAGE 6.35	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.13060321
ENGAGE 6.35	IMPLANT	TITANIUM	PLATE SYSTEM	Fixation	0.02158273
ENGAGE 6.35	IMPLANT	TITANIUM	SET SCREW	Fixation	0.0005534
ENGAGE 6.35	IMPLANT	TITANIUM	WASHER	Fixation	0.04265866
FACET SCREWS	IMPLANT	TITANIUM	OTHER SCREW	Fixation	0.00332042
HOURGLASS VERT BODY SPACER	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.0005534
INFUSE BONE GRAFT	BIOLOGICAL	BMP	BIO	Biologics	0.00830105
LEGACY ILIAC	IMPLANT	STAINLESS STEEL	MULTI-AXIAL SCREW	Fixation	0.0005534
LEGACY ILIAC	IMPLANT	STAINLESS STEEL	SET SCREW	Fixation	0.0005534
LEGACY ILIAC	IMPLANT	TITANIUM	CONNECTOR	Fixation	0.00553403
LEGACY ILIAC	IMPLANT	TITANIUM	SET SCREW	Fixation	0.01217488
LEGACY ILIAC	IMPLANT	TITANIUM	VARIABLE ANGLE SCREW	Fixation	0.00608744
LONGITUDE	IMPLANT	TITANIUM	ROD	Fixation	0.02628666
LONGITUDE	IMPLANT	TITANIUM COMMERCIAL PURE	ROD	Fixation	0.05035971
LOW PROFILE CROSSLINK SYSTEM	IMPLANT	STAINLESS STEEL	CROSSLINK	Fixation	0.00221361
LOW PROFILE CROSSLINK SYSTEM	IMPLANT	TITANIUM	CROSSLINK	Fixation	0.00415953
MAST QUADRANT	CAPITAL EQUIPMENT	STAINLESS STEEL	OTHER	Other Instruments	0.0002767
MAST QUADRANT	DISPOSABLE	OTHER	OTHER	Other Instruments	0.74515772
MASTERGRAFT CERAMIC GRANULES	BIOLOGICAL	BIPHASIC CALCIUM PHOSPHATE	BIO	Biologics	0.0005534
MASTERGRAFT MATRIX	BIOLOGICAL	BIPHASIC CALCIUM PHOSPHATE	BIO	Biologics	0.00830105
MASTERGRAFT PUTTY	BIOLOGICAL	BIPHASIC CALCIUM PHOSPHATE	BIO	Biologics	0.0163254
MASTERGRAFT STRIPS	BIOLOGICAL	BIPHASIC CALCIUM PHOSPHATE	BIO	Biologics	0.0002767
METRX	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.0005534
METRX DISPOSABLES	DISPOSABLE	OTHER	OTHER	Other Instruments	0.00490863
METRX DISPOSABLES	DISPOSABLE	STAINLESS STEEL	OTHER	Other Instruments	0.44355285
METRX II SYSTEM	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.01162147
NON-THREADED INSTRUMENTS	IMPLANT	TITANIUM	WASHER	Fixation	0.00166021
OTHER INTRA-DISCAL INSTRUMENTS	DISPOSABLE	STAINLESS STEEL	DRILL BIT	Other Instruments	0.00083011
PAK NEEDLE	DISPOSABLE	OTHER	OTHER	Other Instruments	0.15550636
PEEK ROD	IMPLANT	PEEK	ROD	Fixation	0.03099059
PEEK ROD	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.04150526
PEEK ROD	IMPLANT	TITANIUM	SET SCREW	Fixation	0.10265634
PERCUTANEOUS PEEK	IMPLANT	PEEK	ROD	Fixation	0.02877698
PERCUTANEOUS PEEK	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.10874377
PERCUTANEOUS PEEK	IMPLANT	TITANIUM	OTHER SCREW	Fixation	0.00442723
PERCUTANEOUS PEEK	IMPLANT	TITANIUM	SET SCREW	Fixation	0.05949087
PERIMETER	IMPLANT	PEEK	CAGE/SPACER	Interbody Devices	0.0154953
PYRAMISH	IMPLANT	TITANIUM	MESH	Other Instruments	0.0002767
PYRAMID PLATING SYSTEM	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.00359712
PYRAMID PLATING SYSTEM	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.00276702
PYRAMID+4 HOLE ANT LUMBAR PLATE SYSTEM	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.00138351
PYRAMID+4 HOLE ANT LUMBAR PLATE SYSTEM	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.00387382
PYRAMID+4 HOLE ANT LUMBAR PLATE SYSTEM	IMPLANT	TITANIUM	VARIABLE ANGLE SCREW	Fixation	0.02047593
ROD CONNECTION SYSTEM	IMPLANT	STAINLESS STEEL	CONNECTOR	Fixation	0.00110681
ROD CONNECTION SYSTEM	IMPLANT	TITANIUM	CONNECTOR	Fixation	0.00442723
ROD CONNECTION SYSTEM	IMPLANT	TITANIUM	ROD	Fixation	0.0005534
ROD CONNECTION SYSTEM	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00387382
ROD SPECTRUM	IMPLANT	COBALT CHROME	ROD	Fixation	0.00221361
SCPTOR	DISPOSABLE	STAINLESS STEEL	OTHER	Other Instruments	0.0005534
SECTOR	IMPLANT	TITANIUM	MESH	Other Instruments	0.00110681
SEXTANT	DISPOSABLE	STAINLESS STEEL	OTHER	Other Instruments	0.98893193
SEXTANT	IMPLANT	TITANIUM COMMERCIAL PURE	ROD	Fixation	0.18040952
SEXTANT	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.00490863
SILO SPINAL SYSTEM	IMPLANT	TITANIUM	FIXED ANGLE SCREW	Fixation	0.00166021
SILO SPINAL SYSTEM	IMPLANT	TITANIUM	MULTI-AXIAL SCREW	Fixation	0.0005534
SILO SPINAL SYSTEM	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00387382
SILO SPINAL SYSTEM	IMPLANT	TITANIUM	VARIABLE ANGLE SCREW	Fixation	0.00166021
SILO SPINAL SYSTEM	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.0002767
SMA STAPLE	IMPLANT	NTINOL SHAPE MEMORY	OTHER	Other Instruments	0.03071389
SPIRE	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.03458771
SPIRE	IMPLANT	TITANIUM	SET SCREW	Fixation	0.03375761
SPIRE	INSTRUMENT	STAINLESS STEEL	OTHER	Other Instruments	0.0002767
THREADED INSTRUMENTS	INSTRUMENT	OTHER	OTHER	Other Instruments	0.0002767
THREE D CONNECTOR	IMPLANT	TITANIUM	CONNECTOR	Fixation	0.02130603
THREE D CONNECTOR	IMPLANT	TITANIUM	DORSAL HGT SCREW	Fixation	0.00304372
THREE D CONNECTOR	IMPLANT	TITANIUM	MULTI-PLANER SCREW	Fixation	0.00221361
THREE D CONNECTOR	IMPLANT	TITANIUM	ROD	Fixation	0.00719424
THREE D CONNECTOR	IMPLANT	TITANIUM	SET SCREW	Fixation	0.02268954
TSRH 3DX	IMPLANT	TITANIUM	CONNECTOR	Fixation	0.00113116
TSRH 3DX	IMPLANT	TITANIUM	DORSAL HGT SCREW	Fixation	0.01964582
TSRH 3DX	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00940786
TSRH SPINAL SYSTEM	IMPLANT	STAINLESS STEEL	CONNECTOR	Fixation	0.02573326
TSRH SPINAL SYSTEM	IMPLANT	STAINLESS STEEL	ROD	Fixation	0.00490863
TSRH SPINAL SYSTEM	IMPLANT	STAINLESS STEEL	SET SCREW	Fixation	0.02545656
TSRH SPINAL SYSTEM	IMPLANT	STAINLESS STEEL	VARIABLE ANGLE SCREW	Fixation	0.01853901
TSRH SPINAL SYSTEM	IMPLANT	TITANIUM	ROD	Fixation	0.00083011
UCSS	DISPOSABLE	OTHER	OTHER	Other Instruments	0.02462645
UCSS	DISPOSABLE	STAINLESS STEEL	DRILL BIT	Other Instruments	0.00083011
UCSS	IMPLANT	TITANIUM	OTHER SCREW	Fixation	0.00166021
VANTAGE	IMPLANT	TITANIUM	BOLTPOST	Fixation	0.00110681
VANTAGE	IMPLANT	TITANIUM	PLATE	Interbody Devices	0.0005534
VANTAGE	IMPLANT	TITANIUM	SET SCREW	Fixation	0.00166021
X10 CROSSLINK	IMPLANT	STAINLESS STEEL	CROSSLINK	Fixation	0.0002767
X10 CROSSLINK	IMPLANT	TITANIUM	CROSSLINK	Fixation	0.0166021

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system on December 4, 2014.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: December 4, 2014

/s/ Deanne E. Maynard